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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,374	11/30/2004	Jonathan Kahn	9761730-0027	2819

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EXAMINER
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FLETCHER, MARLON T

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/516,374

Applicant(s)

KAHN ET AL.

Examiner

Marlon T. Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 5-7, are rejected under 35 U.S.C. 102(b) as being anticipated by Kanevsky et al. (6,434,520).

Kanevsky et al. disclose (claim 1) a method for locating an audio segment (104) within an audio file (101) comprising: providing a first transcribed text file (T1) associated with the audio file and providing a second transcribed text file (T2) associated with the audio file (column 6, lines 39-47; column 7, lines 22-26; and column 8, lines 21-48); receiving a user input (300) defining a text segment corresponding to the audio segment to be located (column 8, lines 49-58); searching (302) for the text segment in the first transcribed text file (column 8, lines 58-61; and column 9, lines 4-29); and displaying only those occurrences of the text segment within the first transcribed text file that are also a match to occurrences of the text segment within the second transcribed text file (column 10, lines 10-25).

Kanevsky et al. disclose (claim 2) the method, further comprising comparing the first transcribed text file to the second transcribed text file to determine each match and difference between the first transcribed text file and text segment in the second transcribed text file (column 8, line 49 – column 9, line 46).

Kanevsky et al. disclose (claim 5) the method, wherein displaying includes highlighting each match within the first transcribed text file being displayed in the first window (step 414).

Kanevsky et al. disclose (claim 6) the method, wherein each of tile matching occurrences of the text segment within the first transcribed text file are associated with one of a plurality of audio tags, each audio tag corresponding to one of a plurality of audio segments within the audio file (column 5, lines 50-60; and column 7, lines 22-26).

Kanevsky et al. disclose (claim 7) the method, wherein each of the matching occurrences of the text segment within the first transcribed text file are user-selectable to cause playback of the corresponding one of the plurality of audio segments within the audio file (column 10, lines 25-39).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. in view of Gandhi et al. (2004/0015351).

Kanevsky et al. are discussed above. Kanevsky et al. do not disclose two type of software for speech recognition.

However, Gandhi et al. disclose (claim 3) the method, wherein the first transcribed text file is transcribed from the audio file using a first speech recognition software and the second transcribed text file is transcribed from the audio file using a second speech recognition software (abstract and figure 2).

Gandhi et al. further disclose (claim 4) the method, wherein the first transcribed text file is transcribed from the audio file using a first speech recognition software and the second transcribed text file is transcribed from the audio file by a human transcriptionist (inherent and abstract), wherein the references of transcribed data were made in the apparatus by a human.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Gandhi et al. with the teachings of Kanevsky et al., because the teachings provide enhancement in that speech recognition can be more accurate using two types of speech recognition.

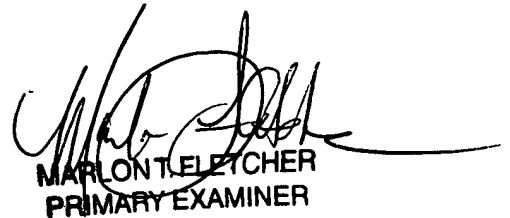
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-w, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF  
July 9, 2006



MARLONT FLETCHER  
PRIMARY EXAMINER